

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CARLO J. MARINELLO, II,

Defendant.

NOTICE OF MOTION

Case No. 12-CR-53

S I R S :

PLEASE TAKE NOTICE that upon the annexed affidavit of Joseph M. LaTona, Esq., duly sworn to on the 15th day of May, 2018, the undersigned will move this Court at a date and time to be determined by this Court, for an order granting the following relief:

- (1) An adjournment of the status conference presently scheduled for June 6, 2018; and
- (2) Such other and further relief as the Court deems proper.

DATED: May 15, 2018
Buffalo, New York

Respectfully submitted,

/s/ Joseph M. LaTona

JOSEPH M. LaTONA
Attorney for Defendant/Appellant,
CARLO J. MARINELLO, II
Office and Post Office Address
716 Brisbane Building
403 Main Street
Buffalo, New York 14203
(716) 842-0416
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TO: JAMES P. KENNEDY, ESQ.
Acting United States Attorney for
the Western District of New York
138 Delaware Avenue
Buffalo, New York 14202
Attn: RUSSELL T. IPPOLITO, JR., ESQ.
Assistant United States Attorney

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff/Appellee,

vs.

CARLO J. MARINELLO, II,

Defendant/Appellant.

AFFIDAVIT

Case No. 12-CR-053-S

STATE OF NEW YORK)
COUNTY OF ERIE) ss:
CITY OF BUFFALO)

JOSEPH M. LaTONA, being duly sworn, deposes and says:

1. Deponent has been retained to represent Mr. Marinello to handle the status conference presently scheduled for June 6, 2018 at 9:00 a.m.

2. Deponent will be out of town the week of June 4th through June 8, 2018.

3. Deponent respectfully requests that the status conference in this case be rescheduled to one of the following dates:

June 12th in the morning or afternoon;

June 14th in the morning;

June 15th in the morning or afternoon;

June 19th in the morning or afternoon;

June 21st in the morning or afternoon; or

June 22nd in the morning or afternoon.

4. Deponent's office has been in contact with Assistant United States Attorney Russell Ippolito who has no objection to this adjournment request.

WHEREFORE, deponent respectfully requests that this Court grant the relief sought in the annexed Notice of Motion, together with such other and further relief as the Court deems proper.

/s/ Joseph M. LaTona
JOSEPH M. LaTONA

Sworn to before me this
15th day of May, 2018.

/s/ Sandra Lee Wright
Notary Public

SANDRA LEE WRIGHT
Notary Public, State of New York
Qualified in Erie County
My Commission Expires October 29, 2018

CERTIFICATE OF SERVICE

I hereby certify that on May 15, 2018 I electronically filed the preceding Notice of Motion with supporting Affidavit with the Clerk of the District Court using the CM/ECF system, which sent notification of such filing to the following:

Russell T. Ippolito, Jr., Esq.
Assistant United States Attorney

I further hereby certify that I have mailed by United States Postal Service said document to the following non-CM/ECF participants:

None

/s/ Sandra Lee Wright
SANDRA LEE WRIGHT